

REMARKS

Claims 14-37 are pending. Claims 1-13 were previously canceled.

Claims 14-37 stand rejected.

Claims 14, 18, 20, 24-26, 29 and 31 have been amended herein to correct minor informalities. No new matter has been added.

35 U.S.C. § 103(a) REJECTIONS

Claims 14-37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Crichton et al. (US 6,330,459) (hereinafter Crichton) in view of Kanterakis et al. (US 6,389,056) (hereinafter Kanterakis).

With regard to claim 14, it is asserted on page 3 of the Office Action that Crichton, Fig. 7 and col. 10, lines 29-52, describes applicant's claimed feature of:

“the base station, upon generating and detecting the pulse, is further operable to broadcast a provision message over at least one contention channel to the terminal, the provision message indicating at least one of the contention channels available to the terminal.”

However, applicant respectfully submits that Crichton teaches a feedback mechanism where “a control message 700 on a BCCH contains: a) unit ID information 702 identifying a communication unit to which the BCCH is addressed; b) BCCH information 704 identifying how exactly the BCCH has been varied; c) traffic channel information pertinent to an on-going communication, as will be readily appreciated; and d) power control information that is subsequently used by the mobile unit for power control.” Emphasis added (see col. 10, lines 29-52, and Fig. 7 of Crichton).

This is different from applicant's claimed invention because claim 14 recites “the provision message indicating at least one of the contention channels available to the terminal.” Crichton describes the control message includes b) BCCH information 704 identifying how exactly the BCCH has been varied. This is different from and does not describe any indication of at least one of the contention channels available to the terminal as recited in claim 14. As explained in Crichton, col. 10, lines 30-32, the message is sent if the bases station varies the narrowbeam radiation pattern and identifies how exactly the BCCH has been varied. Providing information on a variation of a narrowbeam radiation pattern, as described in Crichton, is completely different from applicant's claimed “indicating at least one of the contention channels available to the terminal.”

Crichton relates to the beam forming of the BCCH, whereas, applicant relates to providing an indication of at least one of the contention channels available to the terminal.

In addition, Crichton describes the control message includes c) traffic channel information pertinent to an on-going communication, as will be readily appreciated. First, a traffic channel used in on-going communication is different from a contention channel available to a terminal; and secondly, the “information” is related to the traffic channel pertinent to an on-going communication. Since it is information of a traffic channel relating to an on-going communication, the “information” must relate to a channel already being used by the terminal and cannot describe, and is completely different from, applicant’s claimed “indicating at least one of the contention channels available to the terminal” (emphasis added).

Furthermore, applicant’s claimed invention recites that “the base station, upon generating and detecting the pulse, is further operable to broadcast....” Thus, the broadcast occurs upon the generating and detecting the pulse. In contrast to applicant’s claimed invention, the control message 700 in Crichton contains the stated information “in the event that the base station equipment oscillates or otherwise varies the narrowbeam radiation (beam) pattern.” Thus, applicant’s claimed “upon generating and detecting the pulse” is completely different from the event described in Crichton for sending the control message being “in the event that the base station equipment oscillates or otherwise varies the narrowbeam radiation (beam) pattern.”

As can be realized from at least the foregoing, applicant’s claimed provision message is completely different from the control message 700 of Crichton and does not serve an equivalent function of the provision message. Namely, the control message does not indicate one or more of the contention channels available to a terminal nor is the control message generated upon the occurrence of the same or even similar events.

Kanterakis fails to teach the elements lacking in Crichton and further does not describe the elements asserted in the Office Action as found in Kanterakis. The system according to Kanterakis describes the base station as the initiator of the data link between the base station and the remote station. Furthermore, the remote station of the Kanterakis system performs a first transmission of an access-burst signal only in response to the initial transmission of the common-synchronization channel from the base station, and then performs a second transmission of a spread-spectrum signal only in response to the acknowledgement signal.

In contrast to both Crichton and Kanterakis, the present claimed invention describes and claims the terminal first transmitting a signaling sequence as an indication of a wish to use one of

the contention channels. (*See* Specification, p. 5, ll. 33-34). In addition, the present claimed invention discloses and claims a base station that is operable to broadcast a provision message upon receiving the signaling sequence, “the provision message indicating at least one of the contention channels available to the terminal” as recited in claim 14. (*See also* Specification, p.6, ll. 20-30).

It is respectfully submitted that disclosures of Crichton and Kanterakis fail to teach or suggest, either alone or in combination, each of the claim limitations recited in claim 14.

Applicant respectfully submits that for at least the reasons stated above, claim 14 is not obvious over the combination of Crichton and Kanterakis, therefore, the rejection should be withdrawn. As claims 15-23 depend from, and therefore include all the limitations of claim 14, it is hereby submitted that these claims are also allowable. In addition, each dependent claim includes further distinguishing features not found in the combination of references.

Independent claim 24 is rejected for the same reasons as the rejection of claim 14 over Crichton and Kanterakis. Claim 24 recites “*the provision message indicating at least one of the contention channels available to the terminal.*” Therefore, applicant respectfully submits that claim 24 is allowable for at least the reasons discussed above with regard to claim 14. As claim 25 depends from, and therefore, includes all the limitations of claim 24, plus additional distinguishing features, it is hereby submitted that claim 25 is also allowable.

Independent claim 26 is rejected for the same reasons as the rejection of claim 14 over Crichton and Kanterakis. Claim 26 recites “*the provision message indicating at least one of the contention channels available to the terminal.*” Therefore, Applicant respectfully submits that claim 26 is allowable for at least the reasons discussed above with regard to claim 14. As claims 27-32 depend from, and therefore, include all the limitations of claim 26, it is hereby submitted that these claims are also allowable. In addition, each of these dependent claim includes further distinguishing features not found in the combination of references.

Independent claim 33 is rejected for the same reasons as the rejection of claim 14 over Crichton and Kanterakis. Claim 33 recites “*the provision message indicating at least one of the contention channels available to the terminal.*” Therefore, Applicant respectfully submits that claim 33 is allowable for at least the reasons discussed above with regard to claim 14.

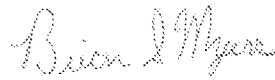
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner’s correspondence and advance the prosecution of this case. In view of the above remarks, it is believed that the present

application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,



Date: May 9, 2007

Brian S. Myers
Registration No.: 46,947
For Larry Liberchuk,
Registration No. 40,352

Mail all correspondence to:

Larry Liberchuk, Registration No. 40,352
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914)333-9602
Fax: (914)332-0615